


Defendant's letter. Plaintiff's counsel contends that the conceded failure to meet the Rule 25(a) deadline was a result of excusable neglect, but that contention does not withstand scrutiny. First, any suggestion that counsel may have believed that Rule 25(a) did not apply because the case was administratively closed is belied by the fact that Defendant filed a statement on the docket, not to mention by the correspondence attached to Defendant's letter, which shows that Defendant explicitly referenced Rule 25(a) and its application to this case even earlier. *See* ECF Nos. 38-2, at 3, and 38-3, at 3. And while Plaintiff's counsel attributes the delay to the COVID-19-caused delay in obtaining the letters of administration, he has no explanation, let alone excuse, for failing to file a Rule 25(a) motion in the few weeks between June 16, 2021 — when he indisputably had the letters of administration — and the Rule 25(a) deadline.

Put simply, Plaintiff's counsel fails to show excusable neglect. It follows that his motion for an extension must be and is denied and that dismissal is mandated by Rule 25. That dismissal is without prejudice.

The Clerk of Court is directed to terminate ECF No. 35.

SO ORDERED.

Dated: July 29, 2021
New York, New York



JESSE M. FURMAN
United States District Judge